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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,889	07/25/2001	Charles Holloway JR.	170802-1010	6573

7590 05/28/2003

Sanford J. Asman  
570 Vinington Court  
Dunwoody, CA 30350

EXAMINER

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/912,889

Applicant(s)

HOLLOWAY, CHARLES

Examiner

Steven R. Wasylchak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**Response to Amendment and Remarks**

1. Claims 1-5 are pending; claim 1 is amended in the response to the office action of January 16, 2003.

**Response to Remarks**

2. The examiner maintains his original office action and responds to applicant's remarks:

On pages 4-6 of applicant's remarks: in Leef et al (col 3, L 29-41) the account holder is the photograph of the payor who can also be the inherent special case of the payee as well if the payor writes out a check to himself, or, a bank, ordinarily a drawee, can also be the payor when one closes an account and the bank makes out a check to the account holder or payee. Thus Leef et al. can apply to claims 1-5..

On page 6, line 20, while the payee data is different on both checks, the payor is the same, ABC corporation or company, and, "ANY BANK" is also the same on both checks.

On page 7, first and second paragraphs: it would be inherent to use backup files in security matters such as check processing as well as to re-order start-up checks.

On page 8, paragraphs one to three, the payor can be the payee, so there would be no need to print redundant information.

On page 9, w/r/t claim 2, Leef et al. discloses digital image photography (col 3, L 29-41).

On page 9, w/r/t claim 3, the invention has the motivation on page 8, line 12 in the remarks "seeks to prevent such fraud". This motivation contradicts claim 3 where an altered or old photograph could be sent in. Scanning is well known in the art—checks are scanned when processed for settlement.

On page 10, w/r/t claim 4, again, the payor can be the payee.

On page 10, w/r/t claim 5, unique filename would be inherent to separate different payees or to update their data profiles.

3. In the alternative, examiner declares other prior art:

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2,4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al. (US 6,286,756), hereafter Stinson, and in view of Shrock (US 3,950,015).

As per claim 1, Stinson discloses a method for providing personal identification on checks issued by a payor to payees which includes the steps of:

(a) the payor obtaining a digital image of each payee;/ col 10, L 12-29

(b) said payor assigning a unique filename to each said digital image which is uniquely associated with each payee;/ col 9, L 57-60; col 10, L 4-7; col 10, L 4-7

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(c) storing each said digital image on a computer storage medium of said payor, said images each being stored by said payor using each said unique filename;/ col 9, L 57-60; col 10, L 4-7; col 10, L 4-7

(d) Stinson teaches selecting payee data, said data including, for each payee, said unique filename;/ col 9, L 57-60; col 10, L 4-7; col 10, L 4-7. Stinson does not teach payee data for check printing. However, Shrock discloses the feature of payee data for check printing./ col 1, L 26-46. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use payee data for check printing for the advantage of reducing fraud transactions by further confirming the identity of the payee.

(e) Stinson teaches printing checks for said payee data for each check, each said check being printed with an image of the payee retrieved from said computer storage medium using said unique filename,/ col 9, L 57-60; col 10, L 4-7; col 10, L 4-7.

Stinson does not teach that each check will include, in addition to the other information, a photographic image of the payee to whom such check was written. However, Shrock discloses printing checks and that each check will include, in addition to the other information, a photographic image of the payee to whom such check was written./ col 1, L 26-46. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to print checks and have each check, in addition to the other information, a photographic image of the payee to whom such check was written for the advantage of minimizing fraudulent transactions by confirming the identity of the payee.

As per claim 2, Stinson teaches that the step of obtaining a digital image is

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accomplished by taking a photograph using a digital camera./ col 2, L 17-35

As per claim 4, Stinson teaches that the step of assigning a unique filename is accomplished by assigning a name uniquely associated with each said payee, such name being selected from the group consisting of the payee's social security number, the payee's employee identification number, and the key field in the database containing the payee's data./ col 9, L 57-60; col 10, L 4-7.

As per claim 5, Stinson discloses the step of selecting payee data being accomplished by using data from each payee's data record to generate a filename which is uniquely associated with each said payee's image file./ col 9, L 57-60; col 10, L 4-7; col 10, L 4-7. Stinson does not teach payee data for check printing. However, Shrock discloses the feature of payee data for check printing./ col 1, L 26-46. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use payee data for check printing for the advantage of reducing fraudulent transactions by confirming the identity of the payee.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al. (US 6,286,756) and in view of Shrock (US 3,950,015) and further in view of Stolfo (US 5,668,897)

As per claim 3,

Stinson teaches that the step of obtaining a digital image is accomplished by taking a photograph/ col 2, L 17-35. Stinson does not teach a conventional photograph.

However, Shrock discloses the feature of a conventional photograph/ col 1, L 26-46. It would have been obvious to one of ordinary skill in the art at the time of applicant's

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invention to use a conventional photograph for the advantage of flexibility in reducing fraud transactions by confirming the identity of the payee. However, neither Stinson nor Shrock teach scanning a conventional photograph. Stolfo teaches scanning a conventional photograph/ col 30, L 17-63. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use scanning a conventional photograph for the advantage of flexibility by storing the scanned photograph in a hard drive for faster access.

This action is NON-FINAL. Communications concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak



5/8/03



HANI M. KAZIMI  
PRIMARY EXAMINER